

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

SEP 19 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

)
Amendment of Section 73.202(b),
Table of FM Allotments
(Portland and Seaside, Oregon)

) MM Docket No. _____
) RM- _____
)

DOCKET FILE COPY ORIGINAL

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Radio Systems of Miami, Inc. ("RSMI"),^{1/} licensee of Radio Station KUPL-FM, Channel 253C, Portland, Oregon, by its attorneys, hereby respectfully petitions the Commission to institute a rulemaking to amend the Table of FM Allotments, 47 C.F.R. § 73.202(b), to substitute Channel 254C1 for Channel 253C at Portland, Oregon, and to modify the license of KUPL-FM to specify operation on Channel 254C1. RSMI seeks this change in order to upgrade its service to its community of license, Portland, thereby making more efficient use of the broadcast spectrum.

KUPL-FM originally operated on Channel 254C. In 1964, pursuant to the Fourth Report and Order in Docket 14185, 40 FCC 801 (1964), its allotment was changed to its current Channel, 253C. KUPL-FM desires to upgrade its service to the residents of the city of Portland. On its present Channel, however, KUPL-FM is IF short spaced to Television Station KOIN-TV, thereby limiting its signal. See 47 C.F.R. § 207(c). Due to terrain-induced shading, KUPL-FM has been forced to use an FM Translator -- K251AD, Beaverton, Oregon -- to provide a consistent signal to some areas of Portland within its 3.16 mV/m principal community contour.

^{1/} RSMI is a wholly owned subsidiary of ARS Acquisition II, Inc. which is, in turn, a wholly owned subsidiary of American Radio Systems Corporation.

No. of Copies rec'd
List A B C D E

024
HMB.

Amending the Table of Allotments to specify operation of KUPL-FM on Channel 254C1 would serve the public interest because KUPL-FM's service to its community of license would improve. Furthermore, changing KUPL-FM's channel to 254C1 would obviate the need for the FM Translator KUPL-FM currently uses.^{2/}

Changing KUPL-FM's channel to 254C1 would result in a short spacing to Channel 255A, Seaside, Oregon. Accordingly, to accommodate the proposed channel change for KUPL-FM, RSMI respectfully requests that Channel 235A or Channel 272A be substituted for Channel 255A at Seaside. On August 7, 1996, the Commission canceled the construction permit held by Ken's Corporation for Channel 255A and deleted the call sign KULU(FM). Thus, Channel 255A currently is unused and the substitution of Channel 272A or 235A would not adversely affect any party.

If RSMI's proposal is adopted, the FM Table of Allotments would be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Portland, Oregon	222C, 229C, 238C, 246C, 253C , 258C1, 262C, 266C, 270C	222C, 229C, 238C, 246C, 254C1 , 258C1, 262C, 266C, 270C
Seaside, Oregon	251A, 255A	251A, 272A or 235A

These changes to the table of allotments would result in a preferential arrangement of the allotments and would serve the public interest. KUPL-FM would be able to increase its strength of coverage to those listeners residing within its 3.16 mV/m principal community contour, thereby providing better service to those existing listeners. Substituting Channel 235A or 272A for

^{2/} The channel change also would eliminate the IF short-spacing to KOIN-TV and would permit RSMI to relocate the KUPL-FM transmitter to the KOIN-TV tower.

Channel 255A in Seaside would not adversely affect Seaside's allotment because no presently operating radio station or permittee would be forced to change channels. Moreover, as set forth in the attached Engineering Statement, the proposed allotments would satisfy all of the Commission's spacing requirements.

CONCLUSION

Substituting Channel 254C1 for KUPL-FM's current Channel 253C and substituting Channel 272A or 235A for the unused Channel 255A in Seaside will serve the public interest. KUPL-FM will be able to provide better coverage to existing listeners and will be able to cease using an FM Translator, resulting in a more efficient use of the broadcast spectrum.

RSMI certifies that upon grant of the requested amendment of the Table of Allotments, it will promptly submit an application for a construction permit to implement the transmitter relocation and will complete construction under such a permit in the most expeditious manner.

Respectfully Submitted,

RADIO SYSTEMS OF MIAMI, INC.

By:


John R. Feore, Jr.

H. Anthony Lehv

Its Attorneys

Dow, Lohnes & Albertson, P.L.L.C.
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036
(202) 776-2000

September 19, 1996

JAMES B. HATFIELD, PE
BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE

PAUL W. LEONARD, PE
L.S. CHRISTIANE ENSLOW
STEPHEN S. LOCKWOOD, PE

HATFIELD & DAWSON
CONSULTING ELECTRICAL ENGINEERS
4226 SIXTH AVE. N.W.
SEATTLE, WASHINGTON 98107

TELEPHONE
(206) 783-9151
FACSIMILE
(206) 789-9834

MAURY L. HATFIELD, PE
CONSULTANT
Box 1326
ALICE SPRINGS, NT 5950
AUSTRALIA

ENGINEERING REPORT:

PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS OF THE FEDERAL
COMMUNICATIONS COMMISSION

WITH RESPECT TO KUPL
FM CHANNEL 254C1 AT
PORTLAND, OREGON

Radio Systems of Miami, Inc.

8/96

This Engineering Statement has been prepared on behalf of Radio Systems of Miami, Inc. in support of a Petition for Rulemaking to change the channel and class of the Portland, Oregon FM channel allotment in use by station KUPL as listed in §73.202 of the Commission's Rules.

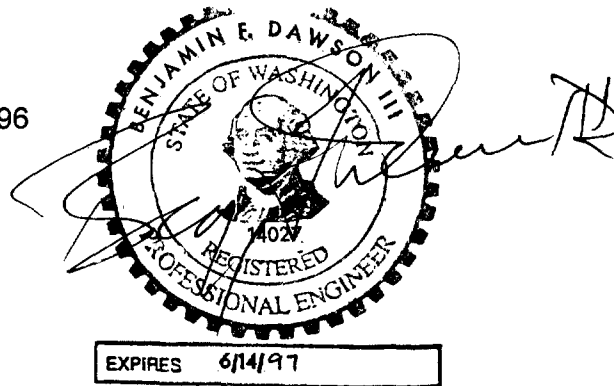
It is proposed to revise §73.202 to specify channel 254C1 rather than channel 253C. As outlined in the attached channel study, channel 254C1 can be assigned for use at Portland in complete compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, provided that the existing unused channel 255A allotment at Seaside, OR is modified to specify either channel 235A or channel 272A. The site used as a reference for the channel 254C1 allotment is located at the site of KOIN-TV, 16 kilometers west-northwest of the site presently used by KUPL. KUPL is prevented from using any site in the West Hills of Portland on its present channel, 253C, by the IF spacing requirement to KOIN-TV imposed in MM Docket 88-375, since it is grandfathered at well below the normally required spacing. KUPL originally operated on channel 254C, but the allotment was changed in the Fourth Report and Order in Docket 14185 (40 FCC Reports, at p. 801), in the early 1960's. All other Portland licensed FM stations operate from sites in the West Hills, within 4.5 km of the KOIN-TV site, and operation by KUPL from this site will allow significant improvement in coverage to areas which are shadowed from the present site.

The proposed changes would result in the following changes to §73.202(b) of the Rules:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Portland, OR	222C, 229C, 238C, 246C, 253C, 258C1, 262C, 266C, 270C		222C, 229C, 238C, 246C, 254C1 258C1, 262C, 266C, 270C

This Engineering Statement supporting a Petition for Rulemaking to change the Table of Allotments (§73.202) at Portland, Oregon has been prepared on behalf of Radio Systems of Miami, Inc., licensee of FM station KUPL. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers, Inc., and am Registered as a Professional Engineer in the States of California and Washington.

August 28, 1996



Benjamin F. Dawson III, P.E.

Hatfield & Dawson Consulting Engineers

ATTACHMENTS:

1. Channel Study: Use of Channel 254C1 @ KOIN-TV Site
2. Channel Study: Use of Channel 235A @ Seaside Reference Coordinates
3. Channel Study: Use of Channel 272A @ Coordinates of Expired Seaside CP (KULU, Channel 255A)

Seattle, WA

FM SEPARATION STUDY

Job Title :KUPL CLASS C-1 @ KOIN-TV SITE

Separation Buffer 65 km

FCC DB Date : 07/25/96

Channel 254C1 (98.7 MHz)

Coordinates : 45-30-58 122-43-59

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
----------------	---------------	--------------	------------------	--------------------	-----------------------	--------------------	---------------	--------------

K251AD LIC	Beaverton, etc. OR		251D 98.1	.100 38.0	45-27-27 122-47-04	211.6	7.66 .00	0 TRANS
---------------	-----------------------	--	--------------	--------------	-----------------------	-------	-------------	------------

Translator for KUPLFM, Portland, OR-
Vertical Polarization Only

ALC	Seaside OR	Docket92-241	251A 98.1	.0	45-54-35 123-56-07	295.6	103.34 28.34	75 CLEAR
-----	---------------	--------------	--------------	----	-----------------------	-------	-----------------	-------------

Accepted by Canada on 930201
Site Restricted-Effective 4-30-93 per Docket 92-241

NEW APP	Seaside OR	BPH951108ME	251A 98.1	.600 53.0	45-57-13 123-56-17	297.9 SS	105.66 30.66	75 CLEAR
------------	---------------	-------------	--------------	--------------	-----------------------	-------------	-----------------	-------------

K252BH LIC	Newport OR		252D 98.3	.078 355.0	44-45-23 124-02-49	231.1	133.47 .00	0 TRANS
---------------	---------------	--	--------------	---------------	-----------------------	-------	---------------	------------

TRANSLATOR FOR KCRF, LINCOLN CITY, OR.

KUPLFM LIC	Portland OR	BLH860324KF	253C 98.5	100. 337.0	45-27-13 122-32-45	115.4	16.21 -192.79	209 SHORT
---------------	----------------	-------------	--------------	---------------	-----------------------	-------	------------------	--------------

NEW APP	Mabton WA	BPH950105MC	254A 98.7	1.5 195.0	46-07-36 120-00-12	71.2	222.73 22.73	200 CLEAR
------------	--------------	-------------	--------------	--------------	-----------------------	------	-----------------	--------------

Amended 950914

NEW APP	Mabton WA	BPH950105MA	254A 98.7	1.15 220.0	46-08-01 119-58-28	71.2	225.09 25.09	200 CLEAR
------------	--------------	-------------	--------------	---------------	-----------------------	------	-----------------	--------------

ALC	Mabton WA	Docket94-23	254A 98.7	.0	46-12-42 120-00-18	68.9	225.51 25.51	200 CLEAR
-----	--------------	-------------	--------------	----	-----------------------	------	-----------------	--------------

Accepted by Canada 940411
Effective 12-5-94

KYTTFM LIC	Coos Bay OR	BLH950309KD	254C2 98.7	13.0 293.0	43-27-49 124-05-44	205.8	252.52 28.52	224 CLEAR
---------------	----------------	-------------	---------------	---------------	-----------------------	-------	-----------------	--------------

**KULU CP	Seaside OR	BPH930902MF	255A 98.9	6.0 100.0	45-54-35 123-56-07	295.6	103.34 -29.66	133 SHORT
--------------	---------------	-------------	--------------	--------------	-----------------------	-------	------------------	--------------

KEZXFM APP	Seattle WA	BPH960530IE	255C 98.9	58.0 714.0	47-30-14 121-58-29	14.4	228.50 19.50	209 CLEAR
---------------	---------------	-------------	--------------	---------------	-----------------------	------	-----------------	--------------

SPECIAL NEGOTIATED SHORT-SPACED ALLOCATION.

Hatfield & Dawson, Inc.

Page: 2
08/28/96

Seattle, WA

FM SEPARATION STUDY

Job Title :KUPL CLASS C-1 @ KOIN-TV SITE

Separation Buffer 65 km

FCC DB Date : 07/25/96

Channel 254C1 (98.7 MHz)

Coordinates : 45-30-58 122-43-59

Call	City	Channel	ERP(kW)	Latitude	Bearing	Dist.	Req.
Status	State	FCC File No.	Freq.	Longitude	deg-Tru	(km)	(km)

KEZXF	Seattle	255C	100.	47-32-41	11.7	230.55	209
LIC	WA	BLH7742	98.9	122-06-28		21.55	CLEAR
SPECIAL NEGOTIATED SHORT-SPACED ALLOCATION.							

K256AC	The Dalles	256D	.010	45-42-43	79.6	127.96	0
LIC	OR	BLFT950626TB	99.1	121-07-00		.00	TRANS
Translator For KBVM, Portland, OR							

KODZ	Eugene	256C	100.	44-06-56	187.8	157.06	105
LIC	OR	BLH840409BY	99.1	122-59-56		52.06	CLEAR

KAYOFM	Aberdeen	257C1	39.	46-54-05	341.3	162.83	82
LIC	WA	BLH950626KE	99.3	123-25-07	SS	80.83	CLEAR

Accepted by Canada as a specially negotiated short-spaced station by
letter dated 901220

** End of separation study for channel 254C1 **

****NOTE:** BPH930902MF Deleted per Pub. Not. Report 23802 (1800B3-TDN) 8/7/96

Seattle, WA

FM SEPARATION STUDY

Job Title :CLASS A @ SEASIDE REF SITE

Separation Buffer 65 km

FCC DB Date : 07/25/96

Channel 235A (94.9 MHz)

Coordinates : 45-59-36 123-55-17

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
----------------	---------------	--------------	------------------	--------------------	-----------------------	--------------------	---------------	--------------

KKEE LIC	Long Beach WA	BLH880401KC	232A 94.3	3.00 71.0	46-18-51 124-03-07	344.3	37.07 6.07	31 CLOSE
-------------	------------------	-------------	--------------	--------------	-----------------------	-------	---------------	-------------

Class B1 with respect to Canada

KUKN LIC	Kelso WA	BLH910905KB	233A 94.5	6.00 100.0	46-12-54 123-02-24	69.7 SS	72.48 41.48	31 CLEAR
-------------	-------------	-------------	--------------	---------------	-----------------------	------------	----------------	-------------

Proposed to Canada as B1 910912-Accepted by Canada 911107

KNRK CP	Camas WA	BPH960117IB	234C3 94.7	0.5 246.0	45-27-17 122-32-58	118.9	122.45 33.45	89 CLEAR
------------	-------------	-------------	---------------	--------------	-----------------------	-------	-----------------	-------------

Auxillary Facility-*To Channel 234C2 per D92-241

KNRK APP	Camas WA	BMPH960607IE	234C2 94.7	3.70 246.0	DA 45-27-17 122-32-58	118.9	122.45 16.45	106 CLEAR
-------------	-------------	--------------	---------------	---------------	--------------------------	-------	-----------------	--------------

From Channel 234C3 per D92-241

KNRK LIC	Camas WA	BMLH950829KB	234C3 94.7	3.70 259.0	DA 45-27-08 122-32-47	118.9 SS	122.79 33.79	89 CLEAR
-------------	-------------	--------------	---------------	---------------	--------------------------	-------------	-----------------	-------------

*To Amend to Channel 234C2 per D92-241

KNRK APP	Camas WA	BPH940829IC	234C2 94.7	15.0 259.0	DA 45-27-08 122-32-47	118.9 SS	122.79 16.79	106 CLEAR
-------------	-------------	-------------	---------------	---------------	--------------------------	-------------	-----------------	--------------

From Channel 234C3 per D92-241-Requests waiver of 73.215(e) -- Dismissed
960131--Petition for Recon 960314

ALC	Camas WA	Docket92-241	234C2 94.7	.0	45-32-20 122-02-24	108.4	154.84 48.84	106 CLEAR
-----	-------------	--------------	---------------	----	-----------------------	-------	-----------------	--------------

Accepted by Canada 921202
Site Restricted-Effective 4-30-93-Reserved for KNRK per D92-241

NEW-T APP	Salem OR	BPFT950607TG	235D 94.9	.01 317.0	44-51-15 123-07-20	153.5	141.22 .00	0 TRANS
--------------	-------------	--------------	--------------	--------------	-----------------------	-------	---------------	------------

Translator for KDBX, Banks, OR-Amended 951206

KUOW LIC	Seattle WA	BLH850715KJ	235C1 94.9	100. 224.0	47-36-58 122-18-28	33.7	218.44 18.44	200 CLEAR
-------------	---------------	-------------	---------------	---------------	-----------------------	------	-----------------	--------------

KITIFM LIC	Winlock WA	BLH950501KB	236A 95.1	0.38 268.0	46-32-35 123-01-14	48.2 SS	92.51 20.51	72 CLEAR
---------------	---------------	-------------	--------------	---------------	-----------------------	------------	----------------	-------------

KSND LIC	Lincoln City OR	BLH950403KE	236C2 95.1	6. 258.0	44-45-24 124-02-53	184.2 SS	137.81 31.81	106 CLEAR
-------------	--------------------	-------------	---------------	-------------	-----------------------	-------------	-----------------	--------------

Seattle, WA

FM SEPARATION STUDY

Job Title :CLASS A @ SEASIDE REF SITE

Separation Buffer 65 km

FCC DB Date : 07/25/96

Channel 235A (94.9 MHz)

Coordinates : 45-59-36 123-55-17

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
----------------	---------------	--------------	------------------	--------------------	-----------------------	--------------------	---------------	--------------

KGHO FM	Hoquiam		237A	1.15	46-55-53	7.8	105.27	31
LIC	WA	BLH7123	95.3	137.0	123-44-02		74.27	CLEAR
Class B1 with respect to Canada								

KXL FM	Portland		238C	100.	45-29-23	120.1	110.56	95
LIC	OR	BLH4129	95.5	302.0	122-41-47		15.56	CLOSE

KLYK	Longview		288A	.255	46-02-59	85.0	77.85	10
APP	WA	BPH960129IC	105.5	245.0	122-55-10	SS	67.85	CLEAR
Accepted by Canada 921102								

K289AC	Nedonna Beach		289D	.001	45-44-38	183.0	27.77	0
LIC	OR	BLFT940711TA	105.7	501.0	123-56-24		.00	TRANS
Translator for KOPBFM, Portland, OR								

ALC	South Bend		289C3	.0	46-39-48	6.9	75.04	12
	WA	Docket90-551	105.7		123-48-12		63.04	CLEAR

Mini-Window opened 951004 to 951011; if no applications are filed between these dates, allotment automatically becomes First Come / First Served

ACCEPTED BY CANADA AS B1 910403

Effective 07-25-91

** End of separation study for channel 235A **

Seattle, WA

FM SEPARATION STUDY

Job Title :CLASS A @ SEASIDE CP SITE

Separation Buffer 65 km

FCC DB Date : 07/25/96

Channel 272A (102.3 MHz)

Coordinates : 45-54-35 123-56-07

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KOPBFM LIC	Portland OR	BLD840430DH	218C 91.5	70. 475.0	45-31-22 122-45-07	114.7	101.69 72.69	29 CLEAR
KINKFM LIC	Portland OR	BLH860923KD	270C 101.9	100. 510.0	45-31-21 122-44-46	114.6	102.11 7.11	95 CLOSE
KAPV CP	Elma WA	BPH950105MB	271A 102.1	6.0 100.0	46-57-27 123-32-47	14.2	120.25 48.25	72 CLEAR
NEW-T APP Translator for KCMS, Edmonds, WA	Cannon Beach OR	BPFT960502TE	272D 102.3	.032 69.0	45-52-48 123-57-15	203.8	3.62 .00	0 TRANS
KLRF CP	Brownsville OR	BPH941214IA	272C1 102.3	95.0 301.0	44-00-08 123-06-50	162.8	221.67 21.67	200 CLEAR
KLRF LIC	Brownsville OR	BLH940919KA	272C1 102.3	100. 280.0	44-00-08 123-06-50	162.8	221.67 21.67	200 CLEAR
K273AB CP Translator for KUWR, Sweet Home, OR- Vertical Polarization Only	Gresham OR	BPFT940301TC	273D 102.5	.004 DA 278.0	45-27-17 122-33-01	114.7	119.18 .00	0 TRANS
KZOKFM LIC SPECIAL NEGOTIATED SHORT-SPACED ALLOCATION.	Seattle WA	BLH6556	273C 102.5	100. 357.0	47-32-35 122-06-25	36.8	229.14 64.14	165 CLEAR
KYTE LIC	Newport OR	BLH921028KA	274C1 102.7	66. 269.0	44-45-22 124-02-57	184.0	128.53 53.53	75 CLEAR
KMNT LIC	Centralia WA	BLH850529KQ	275C 102.9	100. 322.0	46-33-18 123-03-27	42.9	98.65 3.65	95 CLOSE

** End of separation study for channel 272A **